

To: lbenfield@foley.com[lbenfield@foley.com]
From: Steinbauer, Gary
Sent: Thur 4/27/2017 8:35:56 PM
Subject: Mid-America Steel Drum Company (St. Francis and Oak Creek) - CAA section 114 requests

Ms. Benfield:

On Tuesday, we discussed concerns your client, Mid-America Steel Drum Company (Mid-America), has with providing the identity of each drum vendor or supplier, in response to Request No. 4 in the CAA section 114 request to Mid-America's St. Francis facility and Request No. 3 in the CAA section 114 request to Mid-America's Oak Creek facility. You explained that the identity of your client's vendors or suppliers is sensitive information that is extremely important to your client's business.

We understand your client's concerns about providing the vendor or supplier identities. Nonetheless, this information will help EPA identify the different types of wastes in each drum that Mid-America has received, which relates to, among other things, the facility-wide HAP limit at the St. Francis facility and potential to emit HAPs at the Oak Creek facility. Furthermore, your client can assert a business confidentiality claim covering this information under 40 C.F.R. Part 2. Under 40 C.F.R. 2.211, EPA employees are required to safeguard confidential business information (CBI) and are subject to penalties for improper disclosure of such information. In sum, while we understand your client's concern, your client can submit this information and claim that it is CBI, which will require EPA to safeguard the information.

Please let me know if you have any questions.

Thank you,

Gary

Gary Steinbauer
Associate Regional Counsel
Office of Regional Counsel
U.S. EPA Region 5 (C-14J)
77 W. Jackson Blvd.
Chicago, IL 60604
Phone: (312) 886-4306

Fax: (312) 697-2717

CONFIDENTIAL: This email message and any attachment(s) may contain information that is privileged or otherwise exempt from disclosure under applicable law. Do not disclose without consulting the Office of Regional Counsel. If you have received this message in error, please contact the sender immediately.